

PRESIDENTIAL DECREE NO. 150 OF 30 MAY 2002

Draft Regulation for the application of Legislative Decree No 251 of 22 May 1999 governing the fineness and identification marks of precious metals

Chapter I
Definitions

Having regard to Article 87 of the Constitution;
Having regard to Article 17 of Act No 400 of 23 August 1988;
Having regard to Act No 241 of 7 August 1990 concerning the new rules in the field of administrative procedure and subsequent amendments and supplements;
Having regard to Legislative Decree No 251 of 22 May 1999 and Article 27 in particular providing for the promulgation of the Regulation for the enforcement of the mentioned measure by means of a Presidential Decree, at the proposal of the Minister of Industry, Trade and Craft Trades, in conjunction with the Minister of the Interior, subsequent to deliberation of the Central Metrical Committee and the Council of State;
Having regard to the Decree of the President of the Council of Ministers of 6 July 1999, published in the Official Gazette, No. 286 of 6 December 1999, concerning identification of property and resources of the provincial metrical offices to be transferred to the chambers of commerce;
Having regard to Act No 689 of 24 November 1981 on amendments to the penal system;
Having followed the procedure for the provision of information, provided for by Directive 98/34/EC of the European Parliament and Council, dated 22 June 1998, which codifies notification procedure 83/189/EC, transposed by means of Act No 317 of 21 June 1986 and subsequent amendments and supplements;
Having heard the opinion of the Central Metrical Committee, at the meeting of 10 April 2001;
Having heard the opinion of the Council of State, expressed by the Consultative Section on Legislative Acts at the meeting of 4 June 2001;
No wholly agreeing with the opinion of the Council of State, with reference to Articles 33, par. 5, 36, par. 5 and 53, par. 6, in consideration of the fact that the function and duties of legal metrology and precious metals have been transferred to the chambers of commerce, which have organisational autonomy, the State having solely the power to instruct and coordinate, as contemplated by Art. 4, Legislative Decree 112 of 31 March 1998;
Having regard to the Resolution of the Council of Ministers, passed at the meeting of 21 December 2001 and 4 May 2002,
At the proposal of the Minister for Industry, Trade and Craft Trades, in conjunction with the Minister of the Interior;

HEREBY ISSUES
the following regulations:

Article 1

1. For the purposes of these regulations,

- b) **“Decree”** means Legislative Decree No 251 of 22 May 1999;
- c) **“Precious metals”** are platinum, palladium, gold and silver;
- c) **“raw materials”** means pure precious metals and their alloys in the

following forms:

- 1. **Ingots, pigs, rods, buttons, granules and in general any product obtained by casting.**
- 2. **Rolled and drawn products in sheets, bars, wires and in general any product prepared for any conversion process;**
- 3. **Semi-finished goods in any form and dimension, i.e. products of mechanical and non-mechanical technological processes of any kind which, although having a finished or semi-finished structure, are not directed at a specific use or function but are intended for being intimately inserted in compound objects, guaranteed as a whole by the producer who carries out assembly;**
- 4. **Powder produced by means of processes of a chemical, electrochemical or mechanical nature;**
- 5. **Soldering alloys, except alloys for “silver” soldering intended for industrial uses unconnected with working precious metals.**

d) **“identification mark”** means the mark made up of a polygonal impression, showing, inside, the shape of a five-pointed star, the characteristic number allocated to the assignee firm and the initials of the Province where the latter has its registered office;

e) **“fineness”** of raw materials and works in precious metals means the ratio by weight between the fine and the complex of metals making up the alloy;

f) **“tolerances on fineness”** means the tolerances on the legal fineness of objects, provided for in Article 3, paragraph 4 of the Decree;

g) **“errors allowed during analysis”** means the uncertainty of measurement of the analysis methods;

h) **“analysis samples”** means the parts of metal taken from the raw material, from the semi-finished product or from the object for carrying out the assay intended to check the accuracy of the fineness. These samples can be constituted by whole objects, when particular constructional or dimensional characteristics of these so require;

i) **“chamber of commerce staff”** means the inspection staff referred to in Article 20 of the Decree;

l) **“register”** means the register of assignees of precious metals identification marks, which is held by the chambers of commerce, referred to in Article 14 of the Decree;

m) **“assay and mark charges”** means the charges to be paid pursuant to Article 7, paragraphs 1 and 2 of the Decree;

n) **“delay indemnities”** means the indemnities provided for in Article 7, paragraph 3 of the Decree;

- o) **“production typology”** means the procedure for producing an object, relating to the final form and the type of technology used;
- p) **“analysis laboratories”** means the laboratories which carry out the assay of precious metals and issue the relevant certificates of fineness, referred to in Article 18 of the Decree;
- q) **“optional assay”** means the analysis of alloys and of objects containing precious metals, requested on an optional basis by the interested parties and carried out by the assay laboratories of the chambers of commerce or by their special firms, (Article 13 of the Decree);
- r) **“sample taking report”** means the report drawn up by the chamber of commerce staff, during supervision, (Article 21 of the Decree);
- s) **“additional certification”** means the authority acknowledged to be held by the maker or his agent, pursuant to Article 19 of the Decree, to guarantee the conformity of his products with the provisions of the said Decree.

Chapter II

Precious metals and their legal fineness, sample taking and analysis methods

Article 2

1. The obligation of the identification mark and of indication of fineness applies to raw materials and to works of precious metal, even if carried out on behalf of the customer and with materials supplied by the latter.
2. In raw materials containing, to a commercially assessable extent, other precious metals in addition to the predominant one, it is possible to add to the indication of the fineness of the latter also indication of the fineness of the other precious metals present in the alloy.
3. The fineness of raw materials and of works in precious metals is understood to be guaranteed at casting when, independently from any heterogeneousness of the alloy or of the compound nature of the various parts of the object, it corresponds to the stated fineness, expressed in thousandths.
4. In accordance with paragraph 3, any platinum present in the respective alloys is considered fine.

Article 3

1. When fineness is being checked, the fineness of the raw material or of the object, determined, in compliance with the analysis methods and with the procedure for taking analysis samples referred to in Article 7 and following Articles, is considered guaranteed at casting, taking into account any tolerances on the nominal fineness and on errors permitted during analysis.

Article 4

1. Items of precious metal of a fineness between two respectively accepted legal fineness levels shall be marked with the lower legal fineness of the two.
2. Works in precious metal may be marked with the actual fineness when this is above the maximum legal fineness figures allowed respectively, i.e. 950/1 000 for platinum and palladium, 750/1 000 for gold and 925/1 000 for silver.
3. Raw materials may be produced of any fineness but must be imprinted with the mark of fineness stamped on them.
4. The identification mark and indication of fineness must be stamped on raw materials and objects in precious metal before they are marketed.

5. Raw materials and objects in precious metals are understood to be ready for sale, with the exception of the case provided for in Article 20, paragraph 1, when they bear the imprint of the fineness and the identification mark and have reached the end of the production cycle or when they leave the premises of the maker, importer or dealer in raw materials, to be delivered to the purchaser.
6. Anyone who retails objects made of precious metals must display a notice indicating, in figures, in a clear, easily visible manner, the relevant fineness figures referred to in the paragraphs above.
7. The comparative table in Article 5, paragraph 4 of the Decree shall provide the explanatory information according scheme illustrated at Enclosure I

Article 5

1. In relation to the acknowledged difficulty of stamping the prescribed identification mark and indication of the fineness, without damage, on watchcases made of platinum, palladium, gold and silver, after assembly of these or after the relevant mechanisms have been inserted, it is permitted for watchcases in unfinished condition to be temporarily imported into national territory from Countries which are not members of the European Union or of the European Economic Area, for the affixing of the prescribed importer identification mark.
2. The same authority is granted to the importer of objects of precious metal totally enamelled or which incorporate precious stones or which in some way have characteristics of fragility such as to prevent their being marked, responsible for marketing in Italy.

Article 6

1. Tolerance of ten thousandths is permitted on the average fineness, upon complete casting of works in platinum or palladium, with single soldering, i.e. for works in which the soldering, even if multiple, is carried out with soldering alloys of the same fineness.
2. In the works referred to in paragraph 1, the fineness of the alloy forming them, excluding soldering, must not be lower than the fineness tolerated as per Article 3, paragraph 4a) of the Decree.
3. The tolerance of 3 thousandths on works in gold carried out with the investment casting method with centrifugal injection is allowed only on objects which bear the indication of a fineness of 753 thousandths, applied with the special impression provided for in the table in Article 16.
4. The recognition of the constructional characteristics provided for by the Decree for the purpose of any concession of the tolerances on the nominal fineness referred to in paragraphs 1 to 3 shall be carried out visually, following the criteria indicated in the said paragraphs.
5. In case of doubts or disputes on the outcome of visual recognition referred to in paragraph 4 above, in all cases where this is necessary pursuant to the Decree, the examination shall be supplemented by further investigations, not excluding those to be carried out with the procedure of taking analysis samples as referred to in Article 7 and following Articles.

Article 7

1. For the purposes of forming the analysis sample, the quantity of metal to be taken must be such as to allow for the possibility of carrying out of at least four assays, as provided for by Article 44.
2. The taking of samples for analysing raw materials stamped with the declared fineness and the identification mark, except in the case provided for by Article 20, paragraph 1, is carried out using the method of drilling, shearing or scratching at several points, in a manner compatible with the dimensional characteristics of the piece, after having cleaned the surface portions chosen, taking care that any foreign material adhering to the precious metal or to the tools used is not mixed with the sample taken; in the case of semi-finished goods, the scraping method may also be used.
3. Part of the material taken, sealed by Chamber of Commerce staff, may be left in the care of the interested party, if he so requests, for possible challenges to the results and repetitions of the assays.
4. The points for taking samples for analysing raw materials are chosen as follows:
 - a) Ingots, rods and similar items: three samples, two of which are at opposite ends of the piece and one of which is deep in its body;
 - b) Buttons and round pieces in general: two samples, one of which is in the body of the piece. In the case of small buttons, one or more of them, chosen at random, is taken;
 - c) Plates, sections, etc.: two samples, at suitably distant points on the piece;
 - d) Semi-finished products:
 - 1) If weighing less than 5 grams: two or more of them, chosen at random, are taken;
 - 2) If weighing more than 5 grams: at least one gram of metal is taken from each one, from a group of at least three, chosen at random;
 - d) Powder and similar forms: sample taken from the mass, after it has been stirred;
 - e) Soldering alloys: sample taking as in point c).

Article 8

1. In objects made of gold, any soldering must be carried out with alloys having the same fineness as the object, with the following exceptions:
 - a) in objects made of gold with fineness exceeding 750 thousandths, soldering must be carried out with gold alloy with fineness no lower than 750 thousandths;
 - b) in gold chains made with wire of a diameter smaller than 1 mm, soldering can be carried out with alloys not having any gold content . This, however, may in no case lead to the real fineness of the object being, on melting down, lower than the declared legal fineness, upon casting.
2. In objects made of platinum, any soldering must be carried out with alloys having a total content of precious metals no lower than 800 thousandths.
3. In objects made of palladium, any soldering must be carried out with alloys having a total content of precious metals no lower than 700 thousandths.
4. In objects made of silver, any soldering must be carried out with silver alloy having a fineness no lower than 550 thousandths.

Article 9

1. The taking of samples from finished objects made of precious metals, already provided, in the ways provided for by this regulation, with the identification mark and impression of the legal fineness and ready for sale, is carried out with the methods of drilling or shearing, after making sure that the object and the tools to be used are suitably clean.

2. Without prejudice to the requirement of having minimum quantities of metal, as referred to in Article 7, paragraph 2, any excessive damage to the object must be avoided where this is technically possible. To this end, the owner of the object has the authority to proceed personally, or with the assistance of a person trusted by him, with carrying out the operation according to the method chosen by Chamber of Commerce staff.

3. Part of the material taken may be retained by the owner of the object, with the procedure and for the purposes referred to in Article 7, second paragraph, together with that which remains of the object.

4. The points for taking samples for analysing finished objects are chosen as specified below:

- f) large objects which have been pressed, precision cast, are of constant diameter hollow section or have been electroformed: three samples in areas suitably spaced apart. The result must be the expression of the arithmetical mean of the individual results;
- g) Objects of variable diameter hollow section: three or more samples in areas suitably spaced one from the other. The result must be the expression of the arithmetical mean of the individual results;
- h) Small electroformed objects: complete casting;
- i) Objects assembled by soldering: sample taking in parts well away from the soldering. If this is not possible (invisible soldering points), the fineness of the object is given by the arithmetical mean of the results of three samples;
- j) Objects formed from different coloured alloys, if possible at least one sample must be taken for each colour. The fineness of the object is given by the arithmetical mean of the results of the samples taken for each colour; the number of samples shall not be lower than three;
- k) Works in filigree, with small mesh and objects in general obtained by processing a continuous wire: the taking of three samples, in a manner compatible with the size of the object, cut out at several points of the same object. The result must be the expression of the arithmetical mean of the individual results of the samples taken.

Article 10

1. Melting down the object completely may be resorted to in cases where the result of the first and, possibly, the second assay leads to well-founded doubts about the actual correspondence of the analysis samples, taken in accordance with the methods in Article 9, to the composition of the object from which they derive. The same procedure shall be followed when this is explicitly requested by the owner of the object and at his expense.

2. The melting down of the object is carried out at the analysis laboratories or at suitably equipped shops of the identification mark owner according to the directives and in the presence of Chamber of Commerce staff.

Article 11

1. The official analysis methods for checking the fineness of raw materials and works in platinum, palladium, gold and silver, for legal purposes, are those given in Enclosure II.
2. For all precious metals, the analyses must be carried out with double determining of fineness, for each analysis sample taken from the alloy under examination.
3. All the analysis methods provided for by the standards issued by national or international standardisation bodies which are of a degree of uncertainty equal to or lower than those laid down in Enclosure I are also to be considered official analysis methods.

Chapter III *Identification mark and fineness*

Article 12

1. The characteristics and nominal dimensions of the identification mark are also provided at Enclosure III.
2. In relation to the requirements of the objects to be marked, the identification mark die is made by the competent chamber of commerce, in a series of four different sizes.
3. The characteristics of the impression must be such that the mark is cut into the object and not stamped in relief: i.e. the star, number and initials as per the first paragraph and, for impressions of the fourth size, also the polygonal outline of the impression itself.
4. The Ministry of Industry, Trade and Handicrafts can direct, by means of one of its Orders, having heard the Central Metrical Committee, that in addition to the four sizes referred to in paragraphs 1 and 3, the identification mark can be made in other sizes, when this is expressly called for by requirements of a technical nature.
5. Due to the same requirements as in paragraph 4 and with the same procedure, for the punch stems, standardised dimensions different from those provided for by Article 15, third paragraph, may be ordered, both for the impressions of legal fineness and for the impressions of the chamber of commerce mark.

Article 13

1. In the eventuality referred to in Article 5, paragraph 2 of the Decree, the importer, on marketing the imported objects in the territory of the Republic and of the European Economic Area, accepts all the responsibilities and the burdens imposed by the Decree and by this regulation on national producers.

Article 14

1. It is prohibited to affix one's own identification mark to objects of precious metals or alloys, made by others, with the exception of the eventuality referred to in Articles 5, paragraph 2, and 17 of the Decree.
2. When several makers contribute to executing objects made of precious metals, the obligation of affixing the identification mark and the fineness impression falls to the maker who attends to marketing the finished product, with the exception of the eventuality referred to in Article 17 of the Decree.

3. For the purposes indicated by paragraph 2, trade of parts of the object shall be carried out in accordance with the rules established in Article 19 for semi-finished products.
4. The obligation to keep and use the identification mark does not exist for anyone who carries out, on behalf of third parties who own the said mark, partial work which does not alter the substance of the object, such as: cleaning, setting, mounting; nor does this obligation exist for anyone who carries out repairs on used objects, on behalf of private customers.
5. The above-mentioned workers are, however, obliged to obtain and show, during any checks carried out pursuant to Article 21 of the Decree, supporting documents proving the origin and ownership of the objects held at their workshops.

Article 15

1. The identification marks are obtained, by the owner of the said marks or by a person delegated by him, from the respective dies deposited with the chambers of commerce; the operation must be carried out at the above-mentioned chambers of commerce or, at the request of the interested party, at the firm or at a suitable specialised workshop indicated by the latter, in the presence of qualified staff of the chambers of commerce.
2. Reproduction of the mark is obtained by pressing the blank stem against the relevant die; every other reproduction technique is definitively excluded.
3. The stems intended for receiving the impression of the mark must be obtained from square steel sections, having standardised characteristics, as indicated at Enclosure IV.
4. Any other form and dimension, for making punches of a special type, whether or not intended for insertion into mechanical devices or items of equipment can also be authorised, provided that, in every case, it is possible to affix to them the authentication stamp provided for by Article 11, third paragraph, of the Decree.
5. The preparation of punches bearing not only the impression of the identification mark but also that of the legal fineness and possibly of the mark or initials referred to in Article 9 of the Decree is also authorised.
6. The authorisations referred to in paragraphs 4 and 5 are granted, by the chambers of commerce which are competent for each territory, to such interested parties as present a request for them, with reasons, attaching to the application the dimensioned drawing of the said punches and of the housing of the device intended for holding them.
7. The authentication stamp is formed by a geometric shape, identified at Enclosure VI to this regulation, indicating the characteristic number of the specific chamber of commerce.
8. The punches are delivered against a receipt issued by the mark owner or by the person delegated by the latter and in which the punches are indicated by quantity and type.
9. The chamber of commerce takes due note of the delivery carried out.

Article 16

1. As laid down in Article 8, fourth paragraph, of the Decree, the geometric shapes enclosing the legal fineness figures must be strictly standardised and must be of the forms and dimensions shown at Enclosure V.

2. The figures which indicate fineness must be cut into the object and not stamped in relief; the said figures and the shape which encloses them constitute, as a whole, the legal fineness impression.
3. In relation to the characteristics of the objects to be marked, the impression of each legal fineness can be made in a series of four different sizes, having the dimensions as per Enclosure V.
4. Each of the identification mark assignees directly attends, under his own responsibility, to making the punches bearing the legal fineness impressions, in strict compliance with the regulations as at paragraphs 1 to 3.
5. It is in the above-mentioned assignees' power to limit their equipment solely to the impressions and sizes relating to their activity.

Article 17

1. The indication of the real fineness on raw materials is affixed with the use of the impressions referred to in Article 16 only in cases where the above-mentioned fineness corresponds exactly to one of the legal fineness figures allowed by the Decree.
2. In all cases different from those considered in paragraph 1, the real fineness is affixed with the use of non-standardised impressions, having the figures indicating thousandths and tenths of a thousandth of fine metal preceded by the symbols Pt, Pd, Au and Ag for platinum, palladium, gold and silver respectively and having them followed by the symbol ‰. Fineness may also be expressed in the form of a fraction, with the denominator 1 000 and with elimination of the symbol ‰.
3. Indication of the fineness of raw materials must always be accompanied by the producer's identification mark.
4. The chambers of commerce, as holders of the dies, shall verify the authenticity of the identification marks stamped on raw materials and on works in precious metals bearing the initials of the Province for which they are responsible and issue an appropriate declaration of authenticity.

Article 18

1. The stamping of objects made of precious metals is carried out by affixing the identification mark and indication of the legal fineness, using, according to the characteristics and dimensions of the object to be marked, impressions of corresponding sizes, as provided for in Articles 12, second paragraph and Art. 16, par. 5.

Article 19

1. Platinum, palladium, gold and silver raw materials in small grains, in thin sheet and wire, in powder, etc. and semi-finished products in general which, because of their particular structure or small dimensions do not allow for marking, must be put on sale in closed, sealed wrappers.
2. The wrappers can be formed from any material suitable for the purpose and be made up even upon sale but must not be capable of being opened once completed and sealed, except by tearing the wrapper itself or breaking the seals.
3. The seals must be affixed to a plate made of non-ferrous metal or metal alloy, or even of plastic, on which the word "seal" is engraved, followed by the indication of the fineness and the producer's identification mark. As an alternative to using the plate, the indications of the fineness and identification mark can be given on the

wrapper itself, provided that it shows up any attempt at tampering which can be made on it or on these indications.

4. The Ministry of Industry, Trade and Handicrafts can authorise, with one of its Orders, having heard the opinion of the Central Metrical Committee, the use of other materials, for the plates referred to in paragraph 3 or other forms of affixing seals acknowledged to be suitable for the purpose.

5. The goods contained in the sealed wrappers referred to in the paragraphs above must always be accompanied by a document (invoice, certificate of guarantee or transport document) supplied by the seller in which the fineness, commodity specification and quantity of the said goods are indicated, in addition to the seller's company name and address.

6. Semi-finished products in general can form the subject of trade, even if they are without the identification mark and fineness, when the trading takes place between firms which are owners of a mark and the purchaser expressly requests this and provided that the said semi-finished products are contained in the sealed wrappers referred to in the above paragraphs.

Article 20

1. Objects which, due to their delicateness or complexity of form or due to the presence of pearls, precious stones or enamel, rule out being stamped with the mark, can be marked by the producer, before being finished, when they are still in the rough condition and their various parts have not been assembled.

2. The identification mark and the legal fineness impression must be stamped on a principal part of the object, i.e. on the part which is of predominant weight or volume or which is used as the principal support for other parts of the said object, provided that it is technically suitable for punching; it is, however, permitted for stamps to be affixed to any other part, if, due to the presence of gems or enamel, the principal part is clearly subject to damage due to the effect of applying the said stamps.

3. The identification mark and legal fineness impression, on objects consisting of several parts of the same metal which can be dismantled by hand, must be affixed to each of these parts, save in the event that these weigh less than one gram and are therefore exempt from marking as laid down in Article 12 of the Decree; without prejudice to the obligation of correspondence of the fineness of the said parts to the legal fineness stamped on one of them, together with the identification mark.

4. In the case of small chains, the stamps can be applied on end rings which are such that they cannot be removed without deformation of the adjacent links.

5. In the case of objects which rule out direct marking, the identification mark and indication of the legal fineness are affixed to a plate made of the same metal as the object, attached to it by means of soldering with this metal.

6. The same system as at paragraph 5 can be adopted for all works having particular artistic merit and for jewellery incorporating pearls and precious stones or other valuable substances such as coral, tortoiseshell, amber and jade, in which the value of the workmanship or the value of the pearls, stones and other substances exceeds the value of the metal by at least ten times. Ascertainment of the above-mentioned conditions is carried out on the basis of the relevant invoicing or, in case of doubt, is entrusted to experts duly recognised as laid down in Article 12, par. 3 of the Decree.

Article 21

1. In watchcases, the identification mark and indication of legal fineness are applied only to the base and not to the “bezel” (glass-holding ring) and to the “case body” (movement-holding surround); the stamps can also be applied to the inside of the above-mentioned base, provided that this can be opened easily and without damage, for inspection. The unmarked parts must be of the same fineness as the base and are understood to be guaranteed by the indication affixed to the latter.
2. Bracelets and any other secondary decoration or complement, as applied to watches, are considered, for all purposes, detachable parts and must be subject to specific marking.

Article 22

1. Objects of mixed manufacture of two or more precious metals must bear the indication of the fineness on each of the component metals, in all cases where each of these, if weighing more than one gram, constitutes a part clearly distinct from any other part of the object and is technically suitable for receiving the impression.
2. The impressions of the identification mark and fineness of the precious metal of predominant weight are affixed to the latter in all other cases and in particular:
 - l) in objects where the various different metals, although being distinguishable from one another, are closely combined, for artistic reasons or due to requirements of a technical nature;
 - m) in objects where the metals of greater value are inserted, by setting or inlaying, in the body of the metal of predominant weight;
 - n) in watchcases (base).

Article 23

1. The obligation of guaranteeing the fineness, for objects which, as laid down in Article 12 of the Decree, are exempt from the obligation of the identification mark and of indication of the fineness and for which the said Decree shall be accomplished upon sale, as follows:
 - o) objects weighing less than one gram as per Article 12. par. 1, letter a) of the Decree must, on sale by the producer or importer to the purchaser, be contained in wrappers duly sealed with observance of the procedures indicated by Article 19. A detailed or summary description of the objects contained in the wrapper shall be repeated on the said wrapper. Retailers are obliged to keep the document, wrapper and any seals referred to in Article 19 until the goods have sold out;
 - p) semi-finished products, alloys and works for dentistry or for industrial use, instruments and equipment for industrial or scientific use, as referred to in Article 12, par. 1, letter a) of the Decree, must be accompanied, at each passing from the producer or importer to the wholesaler or retailer and from these to the consumer, by a document giving the real fineness of the said object or of parts formed by precious metal, which may be different from the legal fineness figures provided for by the Decree. In the case of alloys containing, in declared proportions, two or more precious metals, the fineness of each of these must be indicated;
 - q) antique objects must be accompanied by a purchase invoice or by a certificate drawn up and signed pursuant to Article 12, paragraph 3, of the Decree, countersigned and dated by the seller;

- r) used objects, not having antique value, which came to commercial firms in periods following that of the entry into force of former Law 46 of 30 January 1968, to be marketed, already have the marks referred to in former Law 305 of 5 February 1934. Upon sale, these must also be accompanied by an invoice in due form, in which is copied the description of the said object, as it was written in the register of the firm's operations, at the time when the object was purchased;
 - s) processing waste referred to in Article 12, par. 1, letter i) of the Decree, when it is transferred to third parties and when it comes from raw materials of homogeneous fineness, shall be sold under the same rules as provided for by Article 19 above.
 - t) processing waste coming from heterogeneous technological operations or raw materials and, in general, workshop sweepings, ash and processing scrap, must be accompanied by declarations attesting that these are "waste", entirely without any guarantee as to its composition and as to the fineness of the precious metals included in it;
 - u) the soldering alloys referred to in Article 12, par. 1, letter l) of the Decree are also sold under the rules in Article 19. When it is called for by commercial requirements and it proves to be technically possible, the said alloys can be supplied without a wrapper, provided that they bear the indication of the identification mark and of the fineness.
2. Silver based soldering alloys, are those in which the content of the said metal is such as to allow their use in silverware production. So-called "silver solder" alloys used for soldering base metals must be sold as non-precious metal.

Article 24

1. The exemption from affixing the identification mark and indication of fineness, referred to in Article 12, par. 1, letter f) of the Decree, must be understood to be exclusively granted for coins struck by the Mint and by corresponding foreign institutions, which are legal tender and which, if out of circulation, are always issued by the said institutions.
2. Application of the identification mark and of indication of the fineness is obligatory when the coins referred to in paragraph 1 are reproduced outside the State Institutions which legitimately issued them, even if such reproduction is authorised.
3. The obligation as per par. 2 in falls, in all circumstances, to the producers and importers of commemorative medals or of prize tokens and of pseudo-coinage of any kind.

Article 25

1. Objects intended for being exported outside the European Economic Area can be produced without the identification mark
2. Objects intended for being marketed in the countries of the European Economic Area can also be produced without the identification mark, provided that they conform to the standards in force in the country of destination.
3. The producer is, however, subject to all the legal regulations with regard to the correspondence of the real fineness of the objects mentioned in paragraphs 1 and 2 to the fineness indicated.
4. The affixing of any special marks, requested by foreign importers, is permitted.

5. In the case of objects which, on export or on marketing in the European Economic Area are duly provided with the identification mark and with the indication of the legal fineness, the exporter is bound, for all purposes, to meet the legal obligations.

6. Objects to be exported to Countries with which the eventuality referred to in Article 5, third paragraph, of the Decree exists, must be provided, compulsorily, with the identification mark and with the legal fineness impression or with the indication of one of the fineness figures considered legal in the Country of destination.

7. The objects referred to in paragraphs 1 to 6 can be put on sale also in territory of the Italian Republic on the following conditions:

- v) conformity of the constructional characteristics of these with the legal regulations and with the provisions of this regulation;
- w) application of the mark and of the legal fineness impression, following for this latter the provisions in the first and second paragraphs of Article 4;
- x) cancellation of any mark impression or fineness impression, other than the legal ones, which may have been affixed for export purposes.

7. Objects, the real fineness of which is lower than the lowest of the legal fineness figures provided for by law, must, if they are not exported, be sold as objects made of non-precious metal.

Chapter IV

The register of identification mark assignees

Article 26

1. The identification mark is assigned to firms which carry on one or more of the following activities:

- a) Sale of precious metals or alloys thereof in the state of raw materials or semi-finished products;
- b) Manufacture of finished products made of precious metals or alloys thereof;
- c) Import of raw materials, semi-finished products or finished products made of precious metals or alloys thereof.

2. Pursuant to par. 1, letter b), the identification mark is also assigned, on application, to those commercial firms which, although carrying on as principal activity the sale of finished products made by others, have their own workshop, suitable for the manufacture of objects made of precious metals. The concession is subordinated to the ascertainment of this requirement, to be carried out at the expense of the firm concerned, by the chamber of commerce competent for the territory.

Article 27

1. The application for entry in the register must be presented to the chamber of commerce, industry and handicrafts of the Province where the applicant firm has its registered office.

2. The said application must include the following information:

- a) the name of the firm and its registered office;
- b) the particulars of the holder of the licence, where required, referred to in Article 127 of the Consolidated Act of the public security Acts (Royal Decree no. 773 of 18 June 1931) and his position within the firm. In the case of one-man businesses or craft businesses, the particulars of the proprietor of the said business;
- c) the activity or activities carried on by the firm, within the meaning of Article 26;

d) the number and location of any other premises of the firm (subsidiaries, plants), even if situated in other Provinces, where the said activities are carried on.

3. The following must be attached to the application:

a) a copy of the public security licence referred to in par. 2, letter b);

b) receipt for payment of the assay and mark charges provided for in Article 7 of the Decree.

4. In the case of industrial firms, the documentation to be attached to the application for granting of the mark is accompanied by a self-certification in which, for the purposes of the first paragraph of Article 7 of the Decree, the number of the said firm's employees is indicated.

5. The said number must include all the firm's employees engaged in work done for hire, independently from their respective descriptions – manual workers, clerical workers and administrative or technical managers – and their possible employment in sectors of the firm not even directly connected with the working of precious metals.

Article 28

1. The register must include the following information:

y) number of entry in the businesses register;

z) date of receipt of the application for entry;

aa) name and registered office of the business;

bb) location of any other premises of the firm (subsidiaries, plants), even if situated in other Provinces;

cc) activities carried on by the firm, within the meaning of Article 26;

dd) number and date of entry in the register of businesses or craft businesses;

ee) number and date of the licence, if provided for, issued by the public security authority, particulars of the holder of the said licence and his position within the firm;

ff) the reproduction of any traditional trade marks, or particular initials, permitted pursuant to Article 9 of the Decree and registered by the methods referred to in Article 33;

gg) characteristic number of the identification mark, assigned by the Chamber of commerce, industry, handicrafts and agriculture within two months of the date of presentation of the application for the granting of the said mark;

hh) Indication of any laboratory or certification body of which the firm has requested additional certification pursuant to Article 19 of the Decree and any logo granted to the said firm as established in Article 53.

2. The above-mentioned register of manufacturers and importers includes all the assignees of the identification marks.

3. Consultation of the register by the public administration is free of charge.

Article 29

1. The characteristic number to be reproduced on the identification mark is assigned to the applicant businesses, in the order of receipt of the respective applications for granting, respecting the previous numbering.

2. The numbering continues within each Province, without any interruption of continuity.

3. The characteristic number of marks which, for any reason, have expired, been withdrawn or cancelled, can no longer be allocated.
4. Exceptions to the provisions of paragraph 3 can be made with a measure by the competent Chamber of Commerce, for those businesses of which the mark has been withdrawn pursuant to the fourth paragraph of Article 7 of the Decree and which, on any resumption of their activity and on presentation of the new application for entry in the register and for granting of the mark, request the allocation of the same number as they had before.
5. Notice of the identification marks which, in whatever manner, have expired, been withdrawn or cancelled and of any which have been reallocated pursuant to the previous paragraph, is chronologically given in the Official Gazette of the Republic.
6. In the said Official Gazette, notice of any losses or thefts of punches bearing the impression of the identification mark is also given.
7. The interested party must report such losses or thefts to the Chamber of Commerce within 48 hours.
8. The General Secretary of the competent Chamber of Commerce has the authority to direct that a firm which has lost one or more punches has assigned to it a new mark characteristic number, when improper use of the lost punches is confirmed.
9. The punches of marks which, in whatever manner, have expired, been withdrawn or cancelled and those rendered unserviceable by use, are returned to the competent Chamber of Commerce, which takes due note of them and issues the interested party with a receipt for them, after checking their authenticity.
10. The defacing of the punches referred to in the previous paragraph is carried out by the said Chamber of Commerce at least every six months and is also registered.

Article 30

1. The identification mark is assigned to the business and remains allocated to it, independently from any changes of the natural persons who hold the relevant public security licence, if requested.
2. The transfer of ownership, by act inter vivos or due to death, of the business which produces objects made of precious metal involves, in addition, the transfer, to the party which takes over, of the identification mark, provided that the party taking over continues carrying on the same activity, is in possession of the public security licence, if requested and informs the chamber of commerce of the dates referred to in Article 27, paragraph 2 a), b) and d) of this regulation within a period of thirty days.
3. Within the same period, the business must report also the changes referred to in paragraph 1 to the competent Chamber of Commerce.
4. One single mark is assigned to businesses which carry on their activity at several offices or works.

Article 31

1. On granting the application for grant of identification mark, the Chamber of Commerce collects the assay and mark charges;
2. The craft businesses which lose the requirements referred to in Law 443 of 5 August 1985 are obliged to make a supplementary payment to reach the amount of the assay and mark charge established for industrial firms.
3. For the purpose of par. 2, the Chamber of Commerce notifies the business of the obligation to make the above-mentioned payment and to obtain the public security licence.

4. Assay and mark charges, delay indemnities and supplementary payments are paid to the Chambers of Commerce in accordance with procedures established by them.
5. On payment of the charge relating to annual renewal of the mark to be made pursuant to Article 7, second paragraph, of the Decree, industrial firms must also produce, in updated form, the declaration referred to in Article 27.

Article 32

In addition to the case provided for by Article 7, fourth paragraph, of the Decree, the mark is withdrawn and the entry is struck off the register due to expiration of the licence, pursuant to Article 127 of the public security Consolidated Act pursuant to Royal Decree 773 of 18 June 1931.

Chapter V

Traditional trade marks, mark for optional assay

Article 33

1. Producers who intend to take advantage of the authority referred to in Article 9 of the Decree, to affix, in addition to the identification mark, their own traditional trade mark, must present a formal declaration thereof to the chamber of commerce competent for the territory, accompanying it with the impressions of these marks, stamped on metal plates, for each of the sizes of the said mark.
2. The marks referred to in the previous paragraph must also be lodged, on paper or in a computer medium, with the chamber of commerce.
3. With observance of the conditions referred to in Article 9 of the Decree and with the same procedure as in the first paragraph, producers have the authority to affix, at the request and on behalf of customers, the indication of the names of the latter and of their company names or appropriate identification initials indicated by individual customers.
4. The chambers of commerce establish whether the trade mark referred to in the previous paragraph contains any indications liable to cause mistakes with the fineness figures and identification marks and have the authority to prohibit, when this is the case, the use of the said mark.
5. The following is permitted against the measure adopted by the responsible official of the chamber of commerce: hierarchical recourse to the General Secretary of the said chamber of commerce, who can request the technical opinion of the Ministry of Industry.

Article 34

1. The mark referred to in Article 13 of the Decree is formed by an impression reproducing the number, contained in a circular enclosure, identifying the chamber of commerce involved.
2. The impression referred to in the first paragraph is made in a series of three different sizes and its characteristics and dimensions are shown in the table appended at Enclosure VII .
3. The above-mentioned mark is affixed to objects made of precious metals in confirmation of the legal fineness impressions and identification mark impressions stamped on the said objects with the exception of the cases provided for in Article 25, paragraph 1; it can be applied when the real fineness proves, by means of analysis, to be equal to or higher than the above-mentioned legal fineness, the tolerances provided

for by the Decree being taken into account. For this purpose, the chamber of commerce involved takes advantage of its own assay workshop, of that of another chamber of commerce or of the workshop of the special firm of one of the above-mentioned chambers.

4. In the event that, from the analysis of objects intended for being put on sale, a real fineness figure arises which is lower than that stamped on the said objects, these are returned to the interested party and can be put on sale again only after being brought into conformity with the legal regulations.

5. The mark referred to in paragraphs 1 and 4 is also affixed to raw materials, to guarantee the real fineness found during analysis. For this purpose, the workshop referred to in paragraph 3 acts directly to stamp this fineness figure, expressed in thousandths and tenths of a thousandth, adjacent to the above-mentioned mark.

6. The affixing of the mark and of the fineness figure referred to in the previous paragraph are, in every case, subordinated to the producer's prior affixing of his own identification mark.

Article 35

1. The optional assay and the affixing of the relevant mark on the assayed object can be requested and obtained, provided that the presenter declares that he knows and accepts any damage to the object which can arise from application of one of the analysis methods provided for by this regulation.

- ii) If a considerable number of objects is presented for the optional assay, in order to ensure homogeneous procedures for sample taking, the number of objects from which to take analysis samples, for each production typology and alloy used is established by Encl. VIII which can be amended by Order of the Ministry of Productive Activities.

3. In the event of a favourable result of the analyses, as alternatives at the request of the interested party, the mark can be applied to all the objects or the complete lot can be certified.

4. In the first case, as contemplated by par. 3, the marking operations are carried out directly by the presenter of the objects or by a delegate of his, under the direct control of the workshop staff; otherwise the certificate of analysis, showing the date, weight, fineness and the precious metal concerned, is sealed together with the objects to which it refers in the said workshop. On the outside, this wrapper must bear the seals proving the certification having taken place.

5. The expenses for the assay and for applying the above-mentioned mark to raw materials and to objects are payable by the applicant.

Chapter VI

Plated, gold-plated, silver-plated and reinforced objects or objects of mixed manufacture

Article 36

1. Inscription of the following is permitted on objects formed from base metals having coverings of gold: the term "gold-plated" or even the terms "plated" and "rolled" followed by the symbol Au; these terms followed by the symbols Pt, Pd and Ag respectively can also be used for objects covered with platinum, palladium and silver.

2. The affixing of the following is permitted on objects formed from non-metallic substances – without prejudice to specific weight limit – having coverings of precious

metals made by an electrogalvanic deposition process: a particular trade mark consisting of an impression enclosed in an octagon, in accordance with the standard model in the Annex, bearing, inside, the producer's initials, the indication "DG", the precious metal symbol as indicated in paragraph 1, the indication in figures of the weight of the fine metal expressed in grams followed by the symbol "g" and the initials of the Province where the producer has his registered office, provided that the said objects conform to the following provisions:

- a) the material covered must be non-perishable and must not be degradable;
 - b) the covering must be of a thickness such as to allow autonomously, in all parts thereof, the application of the indications referred to in this paragraph.
3. The particular trade mark, without the indication relating to weight, must be lodged by the interested parties with the chamber of commerce competent for the territory, which establishes whether it conforms to the provisions of the standard model referred to in paragraph 2 and has the authority to prohibit the use of the said mark in the event of non-conformity.
4. With a measure by the Ministry of Industry, Trade and Handicrafts, variations and modifications of the standard model referred to in paragraph 2 can be ordered in relation to the requirements which may arise in reality.
5. The following is permitted against the measures adopted by the responsible official pursuant to paragraph 3: hierarchical recourse to the General Secretary of the said chamber of commerce, who can request the technical opinion of the Ministry of Productive Activities.
6. It is permitted to affix all the following information, in order, to objects constituted by a thin layer of precious metal applied to a plate of base metal: initials of the Province where the firm has its registered office, chemical symbol of the precious metal, indication in figures of the mass of fine, rounded to the nearest gram, followed by the symbol "g" and the producer's initials coinciding with the characteristic number assigned by the chamber of commerce, pursuant to Article 29.
7. The designation "jewellery", "gold-work" and "silverware" are not applicable to the objects referred to in paragraphs 1, 2 and 6. It is prohibited to stamp, on these objects, the identification mark or any indication of fineness in thousandths or carats, as laid down in Article 15 of the Decree or, without prejudice to the provisions of paragraphs 2 and 6, any indication concerning the quantity of precious metal in the covering.

Article 37

1. Objects which, due to their nature or due to the uses for which they are intended, must be completed with various, non-metallic, materials such as wood, bone, ivory, leather, porcelain, enamel, crystal, marble and semi-precious stones, are subject to the obligation of having affixed to them the fineness and mark and not the other indications referred to in Article 39, provided that the non-metallic materials are fixed to the parts made of precious metal with adhesives or clearly visible metal connections.
2. Plates made of precious metal which are produced with the pressing technique and to which, for finishing, a plastic or similar material is subsequently added, must, in any case, have the fineness and identification mark stamped on them.

Article 38

1. Finished objects, ready for being marketed, which, due to their nature or due to the uses for which they are intended or due to requirements of a technical nature, are made up of parts in precious metal and parts in base metal, are subject to the obligation of indication of the fineness and mark and to the following provisions:

a) all the parts in base metal must be clearly visible and distinguishable, including by colour, or removable from the parts in precious metal;

b) on each of the parts in non-precious metal, the following must be stamped in a visible manner: the indication “M”, enclosed in a square or, optionally, the indication “Metal”, the specific name of the metal or alloy used, or, for steel, the indication “stainless”.

2. It is prohibited to deposit non-precious metals, except iridium, osmium, rhodium and ruthenium, with the galvanic deposition method or similar methods on objects made of precious metal alloy.

Article 39

1. It is prohibited to introduce non-precious metals or substances of any kind into hollow objects made of platinum, palladium, gold or silver.

2. Pursuant to Article 15, third paragraph, of the Decree, the following exceptions are permitted:

- a) in objects partially or totally covered in a layer of precious metal, the use of adhesive is allowed for fixing the layer to its base, provided that the density of the adhesive does not exceed 2.5 g/cm^3 and that its percentage by weight does not exceed 25% of the total weight of the object and that the indication “R” enclosed by a square, is engraved, accompanied by indication of the weight of the metal, in grams and tenths of a gram, followed by the symbol “g” for coverings in platinum, palladium and gold and on the conditions referred in c) below for coverings in silver;
- b) in the feet or bases of vases, candelabra, cups and similar objects which, for practicality of use, must be reinforced and weighted, the introduction of metal filling is allowed, provided that this is applied so that it can be removed and that it is totally visible or that, if covered with metal or non-metallic plates or covers, this covering is fixed so that this also can be easily removed. On every part made of base metal, including covering plates, the indication “metal” or the specific name of the metal or alloy used must be stamped. In the event that the covering plate is made of precious metal, it must bear the identification mark, indication of the fineness, the term “filled” and the weight of the fine metal expressed in grams followed by the letter “g”, of the said plate;
- c) in knife handles, filling with non-metallic substances is allowed without prejudice to the density limits and it is also permitted that the blade be fixed to the handle with soldering in non-precious metal, provided that the term “filled” or optionally the indication “R” enclosed by a square, is engraved in each handle, accompanied by indication of the weight of the precious metal alloy, in grams and tenths of a gram, followed by the symbol “g”. In handles made of silver, in which the weight of precious metal is lower than or equal to 50 grams, the said weight, instead of being expressed with its actual value can, however, be expressed approximately, having the letter “R” (filled) followed by one of the following annotations (two figures, separated by the symbol “÷” and followed by the letter “g”, where the figures represent, in grams, the

minimum and maximum between which the said weight must be understood to be included: 1÷2, 2÷3, 3÷5, 5÷7, 7÷10, 10÷13, 13÷16, 16÷20, 20÷25, 25÷30, 30÷35, 35÷40, 40÷45 and 45÷50.

Article 40

1. The springs of objects containing spring devices must be made of the same metal as constitutes the object, with the exceptions referred to below, where the use of springs made of non-precious material for reasons of functionality is permitted:
 - a) spring rings, spring clips and expanding bracelets, with removable elements, with a weight limit of 1.5 grams;
 - b) cigarette-cases, cigarette-lighters, handbags, cases, watchcases and, in general, any other object in which the presence of steel springs is justified by technical requirements and the said springs are applied in a manner which is visible and distinguishable from the precious metal and their weight does not exceed **1 g** for platinum, palladium and gold and **3 g** for silver;
2. In the cases as per par. 1, letters a) and b), the springs are not sampled for determining fineness.
3. If the objects referred to above are provided with springs of a weight higher than the weights indicated or with steel parts of various kinds such as screws, pins, hinges and similar items, the indication "M" (metal) enclosed in a square and the total weight of the steel parts expressed in grams and tenths of a gram followed by the symbol "g" must be stamped on.

Chapter VII

Responsibilities of the operators, supervisory functions of the chambers of commerce

Article 41

Wholesale dealers and retailers of objects in precious metals are obliged to check, on purchase of goods, the effective correspondence of the latter to the indications given in the documents which accompany them and the presence and legibility of the impressions of the mark and fineness stamped on objects and any other indication, the presence of which is imposed or allowed by this regulation.

Article 42

1. Supervision of the production of and trade in precious metals is carried out by chamber of commerce staff, including with regard to those who produce, import or retail plated, silver-plated or reinforced objects or objects of mixed manufacture.
2. In order to perform the functions of criminal policemen and officials, the above-mentioned staff must have attended a suitable theoretical/practical training course with favourable results. In addition, in carrying out their supervisory action, the members of this staff are obliged to show the card referred to in Article 20, second paragraph, of the Decree.

Article 43

1. The staff referred to in Article 42 has free access to the premises of the firms subject to its supervision, pursuant to Article 21 of the Decree, throughout the time during which these are open to the public or normal work activities are carried on there.

2. When premises are closed, the legal procedures are followed in order to check compliance with the rules of the Decree and of this regulation.
3. In the event of refusal of free access, by the proprietor of the firm or by the person replacing him, the staff put in charge of supervision can resort to the assistance of the police.
4. The absence of the proprietor or legal representative of the firm does not constitute a cause of impediment for free access of the chamber of commerce inspection personnel.

Article 44

1. The taking of raw materials, semi-finished products and objects, during supervision, is carried out with the procedures for taking analysis samples being borne in mind with regard to the quality and quantity of the objects or parts of an object to be taken and with the requirement also being borne in mind of carrying out, for each analysis sample, at least four assays, if the need to repeat the assay arises, due to demands of the analysis laboratory or at the request of the parties or of the judicial authorities.
2. The complete object, even if of considerable weight or volume, can be taken if the interested party prefers not to proceed, immediately, with obtaining the analysis samples.
3. Platinum, palladium, gold and silver objects of small dimensions or low weight are taken in the number of two or more objects, chosen at random.
4. The producer, importer or dealer has the authority to remove any precious stones, in advance, from objects subject to being taken.

Article 45

1. On the taking of objects to be subjected to a check of the fineness stamped on them, the producer, importer or dealer has the right to have included in the report any declarations which he considers useful for purposes of the said check and in particular indications suitable for favouring the classification of the object in one of the categories for which a tolerance on fineness, as laid down in Article 3, paragraph 4, of the Decree, is permitted.
2. The report on taking raw materials or objects to be subjected to checking of fineness must be signed by the official of the chamber of commerce taking them and by the proprietor of the firm or by a person who has the power to represent him.
3. The said proprietor, or his representative, must be notified for the purposes of the provisions in Articles 21 and 22 of the Decree.
4. In addition to the indications prescribed as laid down in Article 21, paragraph 3, of the Decree, the place and circumstances in which taking is carried out and any other indication suitable for fully identifying the persons mentioned in the report must be indicated in the report referred to in paragraph 2.
5. If taking, carried out at commercial firms or those which operate in the cases provided for by Article 17 of the Decree, relates to objects with identification marks of others, the proprietor of the firm, or the person representing him on the occasion concerned, has the authority to have included in the report the formal request for the findings to be withheld at the competent chamber of commerce for at least 5 days, prior to the successive fulfilments of obligations referred to in Article 46, so that the

producer or producers, suitably notified by the said proprietor, have a means of intervening in good time with any conclusions of their own.

6. In the event of absence of the proprietor of the firm and of a person who is authorised to represent him, the raw materials or objects taken are enclosed in packets sealed by the same official as has taken the items and handed over to the person who, at the time, is entrusted with the firm. The hand-over is carried out with a report in which notice is given of the obligation to present the sealed packets to the chamber of commerce office, within the time limit indicated by the report writer, according to the requirements of the service, but in any case not under the following 24 hours.

7. The procedure of direct delivery of samples to the chamber of commerce by the firm can also be ordered by the official who has taken the samples. In this case, the procedures of paragraph 6 relating to the enclosing and sealing of samples and the delivery time limit are observed.

Article 46

1. Samples relating to raw materials, semi-finished products and objects taken as laid down in Articles 44 and 45, enclosed in self-sealing wrappers duly signed by the official who has taken the samples and by the owner of the said material taken or by the person representing him on the occasion concerned, must be delivered or sent to the analysis laboratory chosen, for the necessary assays to be carried out, by the said official of the competent chamber of commerce having taken the samples.

Article 47

1. The result of the assay is forwarded by the analysis laboratory to the competent chamber of commerce, by means of a suitable certificate, this being accompanied by the samples and objects taken and by the waste from the said samples and objects.
2. In the event that the fineness is found to conform to the legal or declared fineness, account being taken of any tolerances allowed and of the maximum permissible error during analysis, the samples and objects taken, with the waste from the said samples and objects, are collected by the owner from the competent chamber of commerce no later than 60 days from the date of receipt of the relevant communication made by the said chamber; when this period has elapsed, return is carried out officially by the chamber of commerce at the expense of the said owner.
3. A copy of the certificate referred to in paragraph 1 is issued to the interested party, at the request of the latter.
4. In the event that the fineness is found not to conform to the legal or declared fineness, account being taken of any tolerances allowed and of the maximum permissible error during analysis, the competent chamber of commerce applies the sanctions referred to in Article 25 of the Decree and notifies the Police Superintendent thereof, pursuant to the said Article, paragraph 3.
5. In the case referred to in paragraph 4, the fragments of the objects and of the samples, taken and not used for carrying out the assay and the waste from the said assay are withheld by the chamber of commerce for any fulfilment of obligations provided for by Articles 25 and 26 of the Decree and by the rules in force in the field of sanctions.

Chapter VIII

Certification systems, analysis laboratories

Article 48

1. In addition to operating as established in this regulation, analysis laboratories operate according to general criteria expressed by the standard referred to in Annex X with particular reference to tests on precious metals carried out according to the methods provided for in Article 11 and ensure the ability to refer measurements to national standards.
2. The technical managers of the above-mentioned laboratories hold a degree or equivalent certificate in chemistry or industrial chemistry or hold the non-graduate chemist's diploma.

Article 49

1. For the purposes of qualification referred to in Article 18, paragraph 1, of the Decree, the laboratories concerned are subjected to periodic inspection visits, conducted in conformity with the general criteria expressed by the standard referred to in Annex X, by inspectors for quality meeting the requirements referred to in Article 50.
2. The general criteria to be met for the above-mentioned qualification are as follows:
 - a) presentation of the application, specifying the tests for which qualification is requested;
 - b) within 30 days of presentation of the application, the competent chamber of commerce appoints an inspector and sends the latter the documentation for the preliminary examination. The complete nature and correctness of the documentation having been ascertained, the inspector notifies the competent chamber of commerce thereof and the latter, having also heard the laboratory, attends to setting the date for the inspection visit;
 - c) qualification is granted following the favourable result of the inspection visit and of the resolution of any non-conforming items having emerged; within 60 days of the first inspection visit, the competent chamber of commerce issues the qualification;
3. Supervision of the laboratories which have already qualified takes place annually and confirmation of qualification is subordinated to the favourable result of the inspection visit and to the resolution of any non-conforming items having emerged.
4. The inspection visits are intended to check that the laboratory operates according to that which is established by this regulation.
5. At the end of the inspection visit, the inspection report is drawn up and this, together with a checklist and the documentation proving the resolution of any non-conforming items, is sent by the inspector to the chamber of commerce competent for the territory. The latter attends to issuing or not issuing the qualification or to confirming it, in the case of laboratories which have already qualified.
6. The checklist and forms used by the inspectors are uniformly established by Unioncamere [Union of Italian Chambers of Commerce] at national level and possibly updated, the Ministry of Industry having been heard.
7. The costs relating to the qualification procedures, to the inspection visits and to the relevant annual confirmation are payable by the laboratory requesting qualification.
8. At each chamber of commerce, a register of qualified laboratories is kept and this is updated by the chamber and can be consulted free of charge by the public

administration, including by means of computerised and telematic techniques. This register is public.

Article 50

1. The inspectors for quality are entered by each chamber of commerce in a list which can be consulted throughout national territory. They are selected with criteria of impartiality and rotation and operate with uniform procedures established by Unioncamere throughout national territory, the Ministry of Productive Activities having been heard.
2. Entry in the list is subordinated to at least one of the following conditions, in addition to that of possessing proven experience in assaying precious metals:
 - a) being entered in the list of technical inspectors for quality of a laboratory accrediting body which operates according to the standard referred to in Enc. X and which has made extensive agreements of mutual recognition within Europe;
 - b) being qualified as internal inspectors for quality of the test laboratories of the chambers of commerce or their special firms; these inspectors must operate in the precious metal assaying sector or have taken and been successful on a course for qualification in precious metal assay analyses conducted according to the methods established in Article 11;
3. Striking off the list takes place due to loss of these requisites or due to a measure, with reasons, by the General Secretary of the chamber of commerce.

Article 51

1. The manufacturer or his agent who wishes to take advantage of the right to additional certification can approach one of the analysis laboratories or a certification body which operates according to the standards referred to in Annex Enclosure X and which is directed at the precious metal production industry, is accredited by a body which operates according to the standard referred to in the above-mentioned Enclosure X and has made extensive agreements of mutual recognition within Europe.
2. If the certification body does not attend directly to the assay analysis, an approach is made to one of the laboratories referred to in Article 48 or to a laboratory accredited for the analysis of precious metals according to the standards referred to in Annex VIII which applies the analysis methods referred to in Article 11 and operates within the European Union.

Article 52

1. For the purpose of requesting the additional certification, the interested parties present, to the laboratory or to the body chosen, an application in which the aim of ensuring the conformity of the objects, semi-finished products and raw materials with the provisions of this regulation is specified.
2. Furthermore, in this application, the interested party authorises the laboratory or body chosen to carry out periodically and, in any case at least three times a year, on the production and storage premises, checks on the works ready for sale, by means of taking samples to be subjected to assay analysis.
3. The sample taking procedures are those indicated in Article 7 and following Articles.

4. The number of objects which forms the assay sample, for each production typology and type of alloy used, is established by the chart at Enclosure XIII which can be amended by Order of the Ministry of Productive Activities.

5. The laboratories and certification bodies annually send the respective chamber of commerce competent for the territory an updated list of the firms which take advantage of additional certification.

Article 53

1. Following the application for certification, the laboratory or body chosen carries out an initial inspection at the firm, suitable for verifying that the products ready for sale conform to the legal regulations - particularly with regard to affixing the marks - and take an analysis sample, using the procedures referred to in Article 52.

2. If the result of the initial inspection is favourable, including the result of the analysis of the sample taken, the laboratory or body issues the firm with the certification referred to in Article 51 within 60 days of the inspection.

3. On request, the laboratory or body can grant the certified firm the use of a logo, the said firm's use of which is conditional upon continuation of the certification.

4. The characteristics and methods of using the logo are established by the laboratory or body which issues the certification.

5. The impression of the above-mentioned logo is lodged with the chamber of commerce competent for the territory. On the updating of the list of certified firms referred to in Article 52, paragraph 5, this impression is also reproduced in the register, adjacent to the indication of the laboratory or body which certifies the firm concerned.

6. The official responsible establishes whether the impression referred to in paragraph 4 contains any indications liable to cause mistakes with the fineness figures and identification marks and has the authority to prohibit, when this is the case, the use of the said mark. The following is permitted against this measure: hierarchical recourse to the General Secretary of the competent chamber of commerce, who can request the technical opinion of the Ministry of Industry.

Article 54

1. Copies of the certificates of analysis of the samples referred to in Article 53, paragraph 1, are sent to the firm concerned, which keeps them for at least five years.

2. In the event that the laboratory or certification body verifies that the samples assayed do not conform to the legal provisions or that, in any case, the real fineness found in the objects is lower than that indicated, it revokes the certification and immediately gives notice thereof to the competent chamber of commerce, which attends to striking it off as a certified firm as laid down in Article 28, paragraph 1, letter 1).

3. In the case referred to in paragraph 2, the firm concerned can request additional certification again but only after six months.

Chapter IX Sanctions

Article 55

1. Without prejudice to the application of greater penalties established by the acts in force if the action constitutes an offence, the non-observance of the provisions of this regulation, not included in those already provided for in Article 25 of the Decree, are punished with the administrative sanction from 30.99 Euro to 309.87 Euro.

Article 56

1. In the event that infringements relate to dubious authenticity of the marks, the following takes place: seizure and filing with the judicial authorities.
2. In the event that infringements relate to excessive wear of the identification marks or to the absence and incompleteness or to the illegibility of the impressions of the mark or of the fineness affixed to raw materials or to objects, seizure takes place.
3. The seizure referred to in paragraph 2 must be carried out with the same procedures as provided for by Article 46, including for objects already marketed, if they do not bear the indications prescribed.

Chapter X

Final provisions

Article 57

1. The reference, in Articles 11, 48, 49, 50 and 51, of the technical standards in Enclosures II and X can be amended or changed by means of a measure by the Ministry of Productive Activities, in relation to the requirements which may arise in reality.

Article 58

Presidential Decree no. 1496 of 30 December 1970 is repealed.

This Decree, provided with the State seal, will be inserted in the Official Collection of statutory rules of the Italian Republic. It is an obligation of whomever it may concern to observe it and have it observed.

Signed in Rome, on 30 May 2002

CIAMPI

Berlusconi, President of the Council of Ministers

Marzano, Minister of Productive Activities

Scajola, Minister of the Interior

Keeper of the Seal: Castelli

Registered with the Corte dei Conti on 26 June 2002

Bureau of Supervision of Acts issued by the Ministry of Productive Activities, register No. 2 Productive Activities, document No. 68

Official analysis methods for checking the fineness of raw materials and works in precious metal.

PLATINUM

Method I: this standard is followed: UNI EN ISO 11210 (1997), determining platinum in platinum alloys for jewellery: gravimetric method following precipitation of ammonium hexachloroplatinate.

Method II: this standard is followed: UNI EN ISO 11489 (1997), determining platinum in platinum alloys for jewellery: gravimetric method following reduction with mercury chloride.

Method III: analysis by cupellation and successive attacks (separations) with nitric acid and sulphuric acid, until complete separation of the precious metals present in the alloy.

Assay method III is valid for raw materials only.

The degree of accuracy of the methods involves, during analysis, uncertainty not exceeding ± 3.0 thousandths.

PALLADIUM

This standard is followed: UNI EN ISO 11490 (1997), determining palladium in palladium alloys for jewellery: gravimetric method with dimethylglyoxime.

The degree of accuracy of the method involves, during analysis, uncertainty not exceeding ± 2.0 thousandths.

GOLD

This standard is followed: UNI EN 31426 (1997): determining gold in gold alloys for jewellery: method of cupellation and successive separation with nitric acid.

The degree of accuracy of the method involves, during analysis, uncertainty not exceeding ± 1.0 thousandth.

SILVER

Method I: this standard is followed: UNI EN 31427 (1997), determining silver in silver alloys for jewellery: volumetric (potentiometric) method with the use of potassium bromide.

Method II: this standard is followed: UNI EN 3753, determining silver in silver alloys: method by Gay-Lussac precipitation, by attack with nitric acid and precipitation with sodium chloride.

The degree of accuracy of the methods involves, during analysis, uncertainty not exceeding ± 1.0 thousandth.

Annex II
(Article 12, paragraph 1)

TABLE OF CHARACTERISTICS AND DIMENSIONS OF THE IMPRESSION OF
THE PRECIOUS METALS IDENTIFICATION MARK

Annex III
(Article 15, paragraph 3)

STANDARDISED TYPE PUNCHES

Annex IV
(Article 16, paragraph 1)

STANDARDISED IMPRESSIONS GIVING THE INDICATION OF FINENESS

Annex V
(Article 11, paragraph 3, of the Decree)

**STAMP OF AUTHENTICATION OF THE PUNCHES ISSUED TO ASSIGNEES
OF THE IDENTIFICATION MARKS**

Annex VI
(Article 34, paragraph 2)

MARK FOR THE OPTIONAL ASSAY

Annex VII
(Article 36, paragraph 2)

PARTICULAR TRADE MARK FOR OBJECTS OBTAINED BY
ELECTROGALVANIC DEPOSITION

Annex VIII
(Articles 48, 49, 50 and 51)

**REFERENCE STANDARDS FOR ANALYSIS LABORATORIES AND
CERTIFICATION BODIES**

1.

(Article 48, paragraph 1 and Article 51, paragraph 2)

The general criteria to which analysis laboratories operate are those set out by standard UNI CEI EN 45001 concerning the operation of test laboratories.

2.

(Article 49, paragraph 1)

The general criteria to which inspection visits to laboratories interested in qualification by the chambers of commerce are conducted are those set out by standard UNI EN 30011 – part 1 concerning the activity of inspection of quality systems.

3.

(Article 50, paragraph 2)

The reference standard according to which a laboratory accreditation body operates is that belonging to the series UNI CEI EN 45003 concerning test and calibration laboratory accreditation systems.

4.

(Article 51, paragraph 1)

The standards according to which the certification bodies operate are those belonging to the series UNI CEI EN 45011 and UNI CEI EN 45012, whereas those according to which the body for evaluation and accreditation of the above-mentioned certification bodies operates are those of the series UNI CEI EN 45010.